

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, March 19, 2019
Time: 5:30 PM Closed Session
7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Tran called the meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Dominguez, Councilmembers Montano and Nuñez

ABSENT: Councilmember Phan was absent at roll call. He arrived in Closed Session.

CLOSED SESSION City Council convened in Closed Session to discuss two matters listed on the agenda.

City Council convened at the dais for the Open Session regular agenda at 7:08 PM.

ANNOUNCEMENT City Attorney Chris Diaz reported out of Closed Session that Council did vote to initiate litigation, with detail on the subject to be reported later.

PLEDGE The pledge of allegiance was led by a visiting police officer in the audience, upon invitation by Mayor Tran.

INVOCATION Councilmember Montano offered a prayer, and wished to remember those who lost their lives in an attack recently in New Zealand. She asked for a moment of silence, and Mayor Tran offered to adjourn the meeting in memory of the Muslim worshippers killed on March 15.

PRESENTATIONS Mayor Tran proclaimed March 2019 as *American Red Cross Month*, and the proclamation was accepted by Ms. Thu-Thuy Truong, Vice Chair of the Board of the Silicon Valley Chapter.

Vice Mayor Dominguez presented a proclamation declaring the month of March as Women's History Month to Protima Pandey of Santa Clara County Office of Women's Policy.

Councilmember Carmen Montano presented a commendation to the Chair of the Santa Clara County's Commission on the Status of Women.

PUBLIC FORUM A group of local students, led by a young man who was a senior from Milpitas High School and a young woman who was a junior, members of CAT (community advocates) club, addressed the Council. He was President of the club, and one effort was to keep students from using tobacco products. He'd met with Mayor Tran last year on legislation and the group was trying to prevent vaping at the high school.

Mayor Tran requested the City Manager to ask staff to bring back information on banning smoking at Multi-Unit Housing in Milpitas.

John Agg, 20 year resident of Milpitas and Chair of the Arts Commission, thanked Mayor Tran for meeting with the High School drama teacher and two students recently. Mr. Agg requested on a Council agenda his request to add a Senior high school student to serve in an active role on the Arts Commission. School Board member Dan Bobay who is a member of the Arts Commission asked Council to consider having a student from each of the two Milpitas high schools (MHS and Calaveras Hills).

A boy and a girl, students from “Friday Night Live” of Milpitas High School, were trying to keep teens from using tobacco, cannabis, drugs and alcohol (“AOD”). They wanted to impact peers and stay healthy.

Tom Valore, resident, noted 40,000 residents in US lost their lives due to gun violence. He felt Council should look at what could be done to minimize gun violence in Milpitas. Do something soon, he urged, and asked to have it on the agenda. He also requested that Council take agenda items numbered C9 and C7 off the consent calendar.

Rob Means, 1421 Yellowstone resident, supported Mr. Valore’s comments. He spoke of a handout he provided on an MOU with the County on transit improvements needed, including the use of “PRT” (personal rapid transit). He wanted to meet with Councilmembers on this.

Robert Marini, resident, said he’d made a request for information but had not received any response. He asked for information regarding the water fund and charges to that fund. He spoke of a campaign literature claim by one City Councilmember.

Voltaire Montemayor, resident of Penitencia St, mentioned combination of budget allocation and a respect for the speakers. The proclamations - he supported, and he had given blood to Red Cross.

ANNOUNCEMENTS

Mayor Tran invited all to the Spring Valley Firefighters pancake breakfast on Sunday, March 25.

Councilmember Montano requested to the City Manager to invite Valley Transportation Authority to come to Milpitas to allow City Council to learn the status of projects, especially the BART station and pedestrian bridge. Mayor Tran stated he supported her request, as a member of the Santa Clara VTA Board of Directors.

City Attorney Chris Diaz reported that there was a notice in the newspaper for a public hearing on a project time extension request (Main St. development). While it was not on the agenda at this meeting, it would be re-noticed in the newspaper.

Councilmember Nuñez departed the dais and was absent for the remainder of the meeting, following the public forum.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as amended

City Manager Julie Edmonds-Mares stated that agenda item no. C9 (out of state travel for City Councilmembers) would be amended to delete the request for Councilmember Montano to travel to a conference, due to a conflict she had with another event at the same time.

Motion/Second: Councilmember Phan/Councilmember Montano

Motion carried by a vote of:
AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

CONSENT CALENDAR

Motion: to approve the consent calendar including agenda items no. 1-6, 8, 10-11, and 14-16

Mayor Tran noted Council would remove items no. 7, no. 9 and no. 17, per residents’ requests.

Councilmember Montano requested to remove items no. 12 and no. 13.

Councilmember Phan requested that City Council hear agenda item no. 18 first before other discussion items.

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

- * 1. Council Calendars Accepted City Council calendar for March and April 2019.
- * 2. Meeting Minutes Approved City Council meeting minutes of February 26 and March 5, 2019.
- * 3. EMP Grant to Fire Dept.
 - 1. Adopted Resolution No. 8853 to accept the 2018 Emergency Management Performance Grant (EMPG) funds and authorized the City Manager (or designee) to execute the related Agreement with the County of Santa Clara.
 - 2. Approved budget amendment to appropriate funds in the amount of \$4,200 to the Fire Department's FY 2018-19 Operating Budget.
- * 4. Purchase 3 Chevy Tahoe Adopted Resolution No. 8854 authorizing the Purchase Agent to purchase three fire vehicles from the National Auto Fleet Group for the total amount of \$127,721.41 through a cooperative procurement contract through Sourcewell, formerly NJPA.
- * 5. Adopt Resolution for SWIMS
 - 1. Adopted Resolution No. 8855 to approve the award of a sole source contract to Storm Water Maintenance Services, Inc. (SWIMS).
 - 2. Authorized the City Manager to execute a contract with SWIMS, for the fabrication, installation, and maintenance of Stormtek Storm Drain Inlet Trash Capture Devices for the Trash Removal Devices, Project No. 3713, in the amount of \$290,195.
 - 3. Authorized the Engineering Director/City Engineer to negotiate and execute contract change order(s) in an aggregate amount not to exceed \$30,000 for the project.
- * 6. Adopt Resolution for SB1 Funded Projects Adopted Resolution No. 8856 listing projects for FY 2019-20 to be funded by SB 1 Road Repair and Accountability Act of 2017.

7. Approve Staff Travel

Mayor Tran noted a member of public asked for this item to be removed.

Tom Valore, resident, felt the travel items should be discussed out loud, not just approved on consent. He'd seen comments online about these resources being spent and wanted to know the outcome of the travel.

Mayor Tran said it was a long time policy for out of state travel to be approved by City Council. These events were for professionals to attend conferences. He invited additional speakers from the audience.

Rob Means, resident, agreed with professionals keeping up to speed on industry and work.

Robert Marini, resident, wanted to know what was expected from the conference at UESI.

Mayor Tran asked Public Works Director Tony Ndah to respond, who expressed it was to gain knowledge, opportunity to learn what's new in his field, and to network on latest technology.

Voltaire Montemayor said it was important to be represented at conferences.

Motion: to authorize out of state travel for Public Works Director Tony Ndah to attend the Utility Engineering and Surveying Institute (UESI) Pipelines 2019 Conference in Nashville, TN, July 21–24, 2019

Motion/Second: Councilmember Phan/Vice Mayor Dominguez

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

* 8. Approve Staff Travel

Approved out of state travel for Fire Captain G. Perez to attend training Fire Department Instructors Conference in Indianapolis, IN for the dates of April 4 – 12, 2019. NOTE: Class was canceled so staff would not travel.

9. Approve Travel – Mayor and Councilmembers

Resident Robert Marini asked the City Council why it was sending two people to the Mayor's conference, as he felt one person should be enough.

Mayor Tran responded with comments about the value of the annual US Mayor's conference.

Vice Mayor Dominguez stated she was new in her role as Vice Mayor, so this conference would be a training for her. She felt it was helpful to conduct networking by learning what other cities were doing.

Mayor Tran next allowed additional speakers from the audience.

Resident Tom Valore said he raised this issue since he saw some comments online about this.

Resident Voltaire Montemayor spoke of important conferences and back-up.

Motion: to authorize and approve out-of-state travel for Mayor Tran and Vice Mayor Dominguez to attend the U.S. Conference of Mayors' 87th Annual Meeting in Honolulu, Hawaii for total expense amount not to exceed budgeted Conferences/Meeting allocation of \$15,000

Motion/Second:

Councilmember Phan /Councilmember Montano

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

*10. Amendment No. 2 to Agreement with BMI

Approved Amendment No. 2 to the Agreement with BMI Imaging Systems to increase the total value of the assumed Piggyback Agreement of \$84,070.35 by \$150,000 for a new total amount not to exceed \$234,070.35.

*11. Amendment No. 1 to Agreement with Avolve

Approved and authorized the City Manager to execute Amendment No. 1 with Avolve Software for the purchase of ProjectDox Test System and Assurance Services in the amount of \$35,074.87, resulting in a new total contract amount of \$369,731.07.

12. Agreement for Measure B Local Streets funds

Councilmember Montano asked staff for background on this item.

City Engineer Steve Erickson came forward and explained what Measure B was and why it took a few years for the money to be available to the City for these street projects.

Motion: to approve and authorize the City Manager to execute a Master Funding Agreement between the City and the Santa Clara Valley Transportation Authority (VTA) for 2016 Measure B Local Streets and Roads Program, \$1.38 million in the next Fiscal Year

Motion/Second:

Councilmember Montano/Councilmember Phan

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

13. Amendment No. 11 to Agreement with Vali Cooper

Councilmember Montano wanted some background information. City Engineer Steve Erickson responded to her inquiry, explaining the use of funds was for staff support on the BART extension project work in Milpitas.

Motion: to approve Amendment No. 11 to the Consulting Services Agreement with Vali Cooper & Associates/TRC, Inc. to extend the term to December 31, 2019 to continue support on the Silicon Valley Rapid Transit Program Berryessa BART Extension (SVBX) Project No. 4265

Motion/Second: Councilmember Montano/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

- *14. Amendment No. 2 to Agreement with TEA
1. Approved and authorized the City Manager to execute Amendment No. 2 to the Agreement with Telecommunications Engineering Associates, a Subsidiary of Daryl D. Jones, Inc. for Maintenance and Support of the Public Safety Dispatch Center Telecommunications System and Analog Radio System.
 2. Authorized the Purchasing Agent to exercise option years 2 and 3 per the terms of the agreement.
- *15. Approve Submitting SAFER Grant Application
- Authorized the Milpitas Fire Department to submit an application to the Department of Homeland Security for consideration of funding under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant for the hiring of six Firefighters.
- *16. Reappoint Commissioner
- Reappointed Commissioner Ed Smythe to the Milpitas Veterans Commission to new 3-year term that would expire in February of 2022.
17. Support Assembly Constitutional Amendment 1 legislation
- Assistant City Manager Ashwini Kantak responded to Councilmember Montano about why this letter of support for legislation in Sacramento was requested. ACA1 would move the voter approval threshold from 2/3 to 55% for budget financing proposals by cities and other agencies.

Mayor Tran invited speakers from the audience.

Rob Means, resident, was a proponent of democracy and felt this change was a big deal, and fully supported this change in voting.

Motion: to authorize the City Manager to issue a letter of support for Assembly Constitutional Amendment 1 (Aguiar-Curry, D): *Local government financing: affordable housing and public infrastructure: voter approval* to state legislators and representatives at the League of California Cities

Motion/Second: Councilmember Montano/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

COMMUNITY DEVELOPMENT

18. Fee Review/Study
- Deputy City Manager Steve McHarris and consultant Courtney Ramos of Matrix Consulting reported on fees for development projects, including building and planning. Staff needed more training on Trak-It software, so that it was used consistently by all involved department staff.
- At this meeting, requests for direction from City Council included: 100% cost recovery, permit streamlining (reduce time for permits), and service delivery issues for discussion. Mr. McHarris said “time is money” was the prime reason to improve these processes, in reply to Councilmember Montano.

Mayor Tran spoke about costs for fees for homeowners to renovate. He wanted to seek financial assistance for seniors to renovate their homes, when they could not afford it, and for disabled persons to build a ramp for Americans with Disabilities (ADA) purposes, for example.

Councilmember Montano replied to the Mayor that the City had such a program, through a loan program for assistance for this purpose. She asked what other cities did with regard to cost recovery. The consultant noted that every city had its own policy.

Vice Mayor Dominguez asked several questions on the permitting process and commented on the speed of processing permits.

Councilmember Phan noted that staff could come back with a Zoning Administrator process, so that position could be authorized to approve some permits or other needs. The position would legally publish decisions. Maybe the City could have the permit approval process on television, or staff noted that meetings could be recorded.

Councilmember Montano heard that process could take a long time. Moving things along faster was a good goal. She wanted to ensure it would be one building inspector that stays with a project. Ms. Ramos commented there was a need for the City to have consistency in application of building codes, following the training of all staff.

Councilmember Phan agreed with seeking 100% cost recovery, to be phased in over time, possibly. He urged being more resourceful with helping applicants who do not speak English. He thanked Mr. McHarris for recommending and bringing the fee study to Council.

No vote was taken on this matter. Mayor Tran invited speakers.

Rob Means, resident, spoke on the report, and looked forward to streamlining processes.

Voltaire Montemayor, resident, mentioned the policies and said to beware of what was happening right from the start.

Tom Valore, resident, was previously on the Board of Directors of the Chamber of Commerce, and felt this issue was heard for more than 20 years (timeliness). Be proactive, he said.

PUBLIC SAFETY

19. Police Staffing Report

Police Chief Armando Corpuz addressed City Council on results of a recent staffing needs assessment and operational recommendations. He would identify enhancements in this first organizational assessment ever done. Chief Corpuz provided much statistics and data on police staffing and services, particularly as the City of Milpitas has grown in population, and ultimately the recommendations from the consultant report.

Councilmember Montano asked questions about the impact when the Police reduced the number of sworn officers, some years ago.

Vice Mayor Dominguez asked about School Resource Officers and their role. That officer responded to calls from the high school campus. The Vice Mayor expressed concern for the prevention component of Community Service Officers and did not want crime prevention to get left behind.

As the recommendation on this item, Chief Corpuz asked the Council to simply receive the report from the consultant and comments he'd given.

Mayor Tran thanked him and supported the recommendations.

Councilmember Phan thanked the Chief for efforts to keep the community safe. He wanted to comment on community outreach, and the efforts on that subject.

Councilmember Montano reminded all that the number one priority of the City Council was public safety. She asked about needs for an Information Technology staff person within the department, as identified by the consultant. She agreed Police needed support staff. She inquired about training for people with mental illness specifically.

Mayor Tran noted the Council's receipt of the report and no vote was taken.

LEADERSHIP

20. New Council Subcommittee

Assistant City Manager Ashwini Katak explained that this item came in response to direction from the City Council, following its recent retreat meeting. Staff requested feedback and direction. She described a possible new Council Agenda Subcommittee, similar to a nearby city's Rules Committee. Staff provided ideas for the role of a subcommittee and some meeting management ideas.

Vice Mayor Dominguez wanted an opportunity for all Councilmembers to set agenda items and to be transparent about the agenda. She wondered how the three non-subcommittee Council members could place items on a Council agenda. Ideas funneled through a pipeline and would come to the subcommittee.

The Vice Mayor did not want to put anything into the proposed Council Handbook at this meeting while Councilmember Nuñez was absent.

Councilmember Phan commented on the status of the Handbook. He expressed his view that the Council did not want staff to come back with the Handbook nor approve it.

Mayor Tran called a recess at 10:33 PM following some remarks by Mr. Phan. The Mayor and City Council returned to the dais at 10:42 PM.

Councilmember Phan disagreed with the second staff topic on the presentation. He felt an Agenda Subcommittee would not be agenda setting and made further comments. His support was for a named Rules Committee.

Councilmember Montano wanted to defer this matter until Councilmember Nuñez was at the dais and so she moved to continue.

Motion: to continue this item to the next City Council meeting of April 2, 2019

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

21. Adopt Resolution on Unrepresented Management in Public Safety Depts.

Mayor Tran announced this would be the last item of the evening.

Human Resources Director Liz Brown explained the resolution needed to correct the compaction of salaries issue in the public safety departments' management staff, explaining the circumstances that have arisen. When some individuals had been promoted into management, the current salaries did not reflect the duties and at times were lower than those supervised.

Councilmember Phan asked if those affected would receive back pay and Ms. Brown said no, since the action was written to be effective with the date of the next scheduled Memorandum of Understanding pay increases. For Fire, that would occur in July of 2019 and for Police, in January of 2020.

Councilmember Montano asked for an explanation of "Special Pay" as the Human Resources Director mentioned in her report. Ms. Brown responded with some examples of such.

Vice Mayor Dominguez agreed with colleagues to change this situation. She asked to learn if this issue was occurring with non-sworn personnel in other positions, too.

Mayor Tran was supportive of this topic, as recommended.

Motion: to adopt Resolution No. 8857 to amend the classification plan to adjust the salary ranges for unrepresented Police and unrepresented Fire management classifications

Councilmember Phan stated he wanted in the motion to authorize retroactive pay. City Attorney Diaz responded that could be possible, following his research to confirm if that was legal to do.

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Nuñez)

22. Adopt Resolution for
Labor Relations Officer

This item was not heard.

23. Preview next agenda

Did not review preview list for April 2, 2019 City Council agenda.

ADJOURNMENT

Mayor Tran adjourned the meeting at 11:12 PM following a moment of silence in honor of those who died in New Zealand.

The foregoing minutes were approved by Milpitas City Council on April 2, 2019.

Mary Lavelle
Milpitas City Clerk